

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Robert M. Charles, Jr. NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE GESS LOAN**

Date of Hearing: August 30, 2011

Time of Hearing: 10:30 a.m.

Estimated Time For Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE 6425
GESS, LTD LOAN. THE USACM TRUST CONTENDS THAT YOU DO NOT
HAVE A VALID CLAIM BASED UPON YOUR INVESTMENT IN THIS LOAN
BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN MAKING THAT
INVESTMENT AND USACM DID NOT GUARANTEE REPAYMENT OF THAT
LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE
EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**

1 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
2 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
3 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**
4 **HINDERAKER (520-629-4430).**

5 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
6 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
7 Investment in the Gess Loan (with Certificate of Service) (the “Objection”). Your Proof
8 of Claim number and other information regarding your claim is provided in **Exhibit A**,
9 attached to the Objection. The USACM Liquidating Trust has requested that this Court
10 enter an order, pursuant to section 502 of title 11 of the United States Code (the
11 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the
12 “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is based upon an
13 investment in the Gess Loan. The Objection will not impact your Claim to the extent it is
14 based upon an investment in a different loan.

15 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
16 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
17 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
18 **August 30, 2011, at the hour of 10:30 a.m.**

19 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON AUGUST**
20 **30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
21 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
22 **HEARD ON THAT DATE.**

23 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
24 response to the objection must be filed and service must be completed no later than
25 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant
26 facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: July 14, 2011.

LEWIS AND ROCA LLP

By s/ John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

E-mail: JHinderaker@lrlaw.com

Attorneys for the USACM Liquidating Trust

Copy of the foregoing mailed by first class postage prepaid U.S. Mail on July 14, 2011 to all parties listed on Exhibit A attached to the objection.

LEWIS AND ROCA LLP

s/ Matt Burns

Matt Burns